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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 NATALIE MARTEL,  
11 Plaintiff,

No. C 11-02961 CRB

12 v.  
13  
14 CAROLYN W. COLVIN,  
15 Acting Commissioner of Social Security,  
16 Plaintiff,  
17  
18 Defendant.

ORDER

19 Pending before the Court is Plaintiff's motion for fees and costs pursuant to the Equal  
20 Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), in connection with the Court's Order  
21 remanding the Commissioner's final decision for reconsideration. See Mot. Fees (dkt. 37);  
22 Order (dkt. 34). Defendant asserts that Plaintiff filed the motion prematurely because the  
23 Commissioner's time to appeal the Court's Order had not yet expired, and so the Court's  
24 judgment was not yet final for purposes of the EAJA. See Opp'n (dkt. 38) at 1 (citing 8  
25 U.S.C. § 2412(d)(2)(G)). The Court finds that the Commissioner's time to appeal has since  
elapsed. Accordingly, Defendants shall respond to the merits of Plaintiff's motion for fees  
and costs no later than November 5, 2013. Plaintiff shall submit any reply no later than  
November 12, 2013.

IT IS SO ORDERED.

Dated: October 21, 2013

  
CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE